

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of: Sontheimer *et al.* )  
Application No. Not Assigned ) Art Unit: Not Assigned  
Filed: October 17, 2003 ) Examiner: Not Assigned  
For: Diagnosis and Treatment of Neuroectodermal )  
Tumors )

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97(b)**

Pursuant to 37 C.F.R. 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449 forms. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due with the filing of this paper.

The present application is a divisional application of Application 09/296,031 (filed April 21, 1999) which is a continuation-in-part application of Application 08/774,154 (December 26, 1996) now U.S. Patent 5,905,027. Copies of the PTO-1449 forms filed in these applications are attached. Also attached is a form PTO-1449 listing the references cited by the Examiners during prosecution of these applications. The Examiner's attention is respectfully directed to the art of record in the prior application and thus, no references are being submitted.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute prior art. If the Examiner applies any one of the documents as prior art against any claim in the application, and Applicants determine that the cited document does not constitute prior art under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

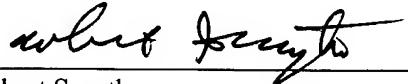
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or

credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **October 17, 2003**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
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Robert Smyth  
Registration No. 50,801

INFORMATION DISCLOSURE CITATION  (Use several sheets if necessary)			Attorney Docket 051530-5004-02		Application No. Not Assigned		
			Applicants: Harald Sontheimer <i>et. al.</i>		Page 1 of 2		
PTO Form 1449			Filing Date: October 17, 2003		Group Art Unit: 1632		
<b>U.S. PATENT DOCUMENTS</b>							
Initial		Document No.	Date	Name	Class	Sub-Class	Filing Date
	aa	6,028,174	02/22/2000	Ullrich <i>et al.</i>	530	350	11/28/1997
	ab	5,756,340	05/26/1998	Hammock <i>et al.</i>	435	235.1	05/08/1995
	ac	5,750,376	05/12/1998	Weiss <i>et al.</i>	435	69.52	06/07/1995
	ad	5,223,253	06/29/1993	Hall <i>et al.</i>	424	88	09/28/1989
	ae	5,212,290	05/18/1993	Vogelstein <i>et al.</i>	530	387.7	12/07/1990
	af	5,626,862	05/06/1997	Brem <i>et al.</i>	424	426	08/02/1994
<b>FOREIGN PATENT DOCUMENTS</b>							
		Document No.	Date	Country	Class	Sub-Class	Translation
	ag	WO 97/24619	07/10/1997	PCT			
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	ah	Baker, (1991) Effects of an epithelial Cl <sup>-</sup> channel blocker on whole cell voltage clamp and patch clamp recordings from a human astrocytoma in culture, <i>J. Physiol.</i> 438:128-129					
	ai	Brismar <i>et al.</i> , (1989) Inward rectifying potassium channels in human malignant glioma cells, <i>Brain Res.</i> 480:249-258					
	aj	Brismar <i>et al.</i> , (1989) Potassium and sodium channels in human malignant glioma cells, <i>Brain Res.</i> 480:259-267					
	ak	Chiu <i>et al.</i> , (1989) The role of potassium channels in Schwann cell proliferation in Wallerian degeneration of explant rabbit sciatic nerves, <i>J. Physiol.</i> 408:199-222					
	al	Deane <i>et al.</i> , (1992) An alternative pathway of B cell activation: stilbene disulfonates interact with a Cl <sup>-</sup> binding motif on AEn-related proteins to stimulate motogenesis, <i>Eur. J. Immunol.</i> 22:1165-1171					
	am	DeBin <i>et al.</i> , (1991) Chloride channel inhibition by the venom of the scorpion <i>Leiurus quinquestriatus</i> , <i>Toxicon.</i> 29:1403-1408					
	an	DeBin <i>et al.</i> , (1993) Purification and characterization of chlorotoxin, a chloride channel ligand from the venom of the scorpion, <i>Am. J. Physiol.</i> 264:C361-369					
	ao	De Muralt <i>et al.</i> , (1983) Reactivity of antiglioma monoclonal antibodies for a large panel of cultured gliomas and other neuroectoderm derived tumors, <i>Anticancer Res.</i> 3:1-6					
	ap	Goldstein <i>et al.</i> (1986) The Blood Brain Barrier, <i>Sci. Am.</i> 255:74-83					
	aq	Gray <i>et al.</i> , (1986) A voltage-gated chloride conductance in rat cultured astrocytes, <i>Proc. R. Soc. Lond.</i> 228:267-288					
	ar	Grissmer <i>et al.</i> , (1993) Calcium-activated potassium channels in resting and activated human T lymphocytes, <i>J. Gen. Phys.</i> 102:601-630					
	as	Hosli <i>et al.</i> (1990) Evidence for GABA-B receptors on cultured astrocytes of rat CNS: autoradiographic binding studies, <i>Exp. Brain. Res.</i> 80:621-625					
	at	Huang <i>et al.</i> (1994) Potassium channel induction by the Ras/Raf signal transduction cascade, <i>J. Biol. Chem.</i> 269:31183-31189					
	au	Jalonen, (1993) Single-channel characteristics of the large-conductance anion channel in rat cortical astrocytes in primary culture, <i>Glia</i> 9:227-237					
Examiner			Date Considered				
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

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<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)</b>				
	av	Kunwar <i>et al.</i> , (1993) Cytotoxicity and antitumor effects of growth factor-toxin fusion proteins on human glioblastoma multiforme cells, <i>J. Neurosurg.</i> 79:569-576		
	aw	Nilius <i>et al.</i> (1992) Potassium channels and regulation of proliferation of human melanoma cells, <i>J. Physiol.</i> 445:537-548		
	ax	Pappas <i>et al.</i> (1994) Reduction of glial proliferation by K <sup>+</sup> channel blockers is mediated by changes in pH <sub>i</sub> , <i>NeuroReport</i> 6:193-196		
	ay	Pappone <i>et al.</i> , (1993) Blockers of voltage-gated K channels inhibit proliferation of cultured brown fat cells, <i>Am. J. Physiol.</i> 264:C1014-1019		
	az	Phillips <i>et al.</i> , (1994) Transforming growth factor-alpha-pseudomonas exotoxin fusion protein (TGF- $\alpha$ -PE38) treatment of subcutaneous and intracranial human glioma and medulloblastoma xenografts in athymic mice, <i>Cancer Research</i> 54:1008-1015		
	ba	Puro <i>et al.</i> , (1989) Retinal glial cell proliferation and ion channels: A possible link, <i>Invest. Ophthalmol. Vis. Sci.</i> 30:521-529		
	bb	Sakamoto <i>et al.</i> , (1996) Identification of a new outwardly rectifying Cl <sup>-</sup> channel that belongs to a subfamily of the CIC Cl <sup>-</sup> channels, <i>J. Biol. Chem.</i> 271:10210-10216		
	bc	Somogyi <i>et al.</i> , (1989) Subcellular localization of benzodiazepine/GABA <sub>A</sub> receptors in the cerebellum of rat, cat and monkey using monoclonal antibodies, <i>J. Neurosci.</i> 9:2197-2209		
	bd	Sontheimer, (1994) Voltage-dependent ion channels in glial cells, <i>Glia</i> 11:156-172		
	be	Steinmeyer <i>et al.</i> , (1995) Cloning and functional expression of rat CLC-5, a chloride channel related to kidney disease, <i>J. Biol. Chem.</i> 270:31172-31177		
	bf	Uchida <i>et al.</i> , (1995) Localization and functional characterization of rat kidney-specific chloride channel CIC-K1, <i>J. Clin. Invest.</i> 95:104-113		
	bg	Ullrich <i>et al.</i> , (1996) Human astrocytoma cells express a unique chloride current, <i>NeuroReport</i> 7:1020-1024		
	bh	Ullrich <i>et al.</i> , (1996) Biophysical and pharmacological characterization of chloride currents in human astrocytoma cells, <i>Am. J. Physiol.</i> 270:C1511-1521		
	bi	Wilson <i>et al.</i> , (1993) Mitogenic factors regulate ion channels in Schwann cells cultured from newborn rat sciatic nerve, <i>J. Physiol.</i> 470:501-520		
	bj	Woodfork <i>et al.</i> , (1995) Inhibition of ATP-sensitive potassium channels causes reversible cell-cycle arrest of human breast cancer cells in tissue culture, <i>J. Cell. Physiol.</i> 162:163-171		
	bk	International Search Report – PCT/US96/20403		
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	aa	<b>5,905,027</b>	<b>05/18/1999</b>	<b>Ullrich et al.</b>	<b>435</b>	<b>7.23</b>	<b>12/26/1996</b>
<b>FOREIGN PATENT DOCUMENTS</b>							
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<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	ab	<b>Soroceanu et al. (1998) Use of Chlorotoxin for Targeting of Primary Brain Tumors, Cancer Res. 58:4871-4879.</b>					
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